

## **REMARKS**

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

### **Formal Matters**

Claims 1-5 and 8-30 are currently pending in the application, claims 6 and 7 have previously been canceled. Claim 26 is amended to correct a minor error.

Applicant appreciates that claims 1-5 and 8-21 are allowed.

### **Specification**

The Examiner objects to the specification because of minor informalities, that is, that the specification contains duplicate paragraphs. These duplicate paragraphs are deleted. No new matter has been added.

### **Rejection of Claims Under 35 U.S.C. §103**

Claims 22-25 and 27-30 are rejected under 35 U.S.C. § 103 (a) as unpatentable over the “UMTS RRC Protocol Specification” V4.0.0.0, 2003-03 (hereinafter “3GPP331”) in view of Wright et al., U.S. Patent Application Publication No. 2002/0044014 (hereinafter “Wright”). Claim 26 is rejected under 35 U.S.C. § 103 (a) as unpatentable over 3GPP331 in view of Wright, and further in view of Akamine et al., U.S. Patent Application Publication No. 2003/0064696 (hereinafter “Akamine”). These rejections should be withdrawn based on the comments and remarks herein.

The Examiner acknowledges that 3GPP331 does not teach or suggest “the coding and decoding function parts hold the calculated parameters in their own storage function parts, and for high utilization frequency parameters the coding and decoding function parts read out and utilize parameters held in the storage function parts without doing re-calculation, thus reducing

power consumption necessary for calculation” as recited in independent claims 22-24 and 28-30 of the present invention. However, the Examiner asserts that Wright discloses these features. Applicant respectfully disagrees.

Wright discloses computed compensation parameters and Digital Compensation Signal Processor (DCSP) coefficients that are both stored in memory for future utilization (paragraphs [0129], [0294]). Wright teaches a lookup table that “stores a complete set of compensation parameters, including the FIR filter coefficients and the filter coefficients used by the modulator correction circuit 52B, when employed.” (paragraph [0096]). Wright does not teach or suggest high utilization frequency parameters, and does not teach or suggest coding and decoding function parts, so that Wright does not teach or suggest high utilization frequency parameters that are read out and utilized by the coding and decoding function parts.

Akamine does not overcome this deficiency, and the Examiner does not state otherwise. Akamine discloses a direct conversion type receiver to adjust gains in steps and to suppress the effect of noise that accompanies gain (paragraph [0002]). Akamine does not teach or suggest high utilization frequency parameters, or coding and decoding function parts that read out and utilize high utilization frequency parameters. Thus the hypothetical combination of 3GPP331 and/or Wright and/or Alamine does not teach or suggest each feature of independent claims 22-24 and claims 28-30.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of 3GPP331 and Wright and Alamine does not disclose or suggest high utilization frequency parameters that are read out and utilized by the coding and decoding function parts, and does not teach or suggest each and every feature of the present invention as recited in independent claims

22-24 and 28-30. Thus *prima facie* obviousness has not been established, so that these independent claims, as well as their independent claims, claims 25-27, are patentably distinguishable over the art of record in the application.

Moreover, the combination of 3GPP331 and Wright is inappropriate because Wright is not analogous art. The courts have held that in order to rely on a reference as a basis for rejection, the analogous-art reference must be either in the field of the applicant's endeavor or reasonably pertinent to the problem with which the inventor was concerned. See *In re Leonard R. KAHN*, 441 F.3d 977, 987, 78 U.S.P.Q.2d 1329. Applicant's field of endeavor is data communication systems including data terminals having communication functions adopting a code division multiple access (CDMA) system (page 17, line 25 to page 18, line 8). By contrast, Wright is in the field of predistortion circuits and methods for compensating for nonlinearities within the amplification process of power amplifiers (paragraph [0003]). Hence, Wright is not in the field of applicant's endeavor.

Further, Wright is not reasonably pertinent to the problem with which applicant is concerned. Applicant recognizes the need to save power in a data terminal having a communication function that includes coding and decoding, and provides an inventive solution to this problem of excessive use of power in a data terminal. (page 41, line 27 to page 42, line 7). However, Wright is not pertinent to data terminals and the problem of saving power in a data terminal. Instead, Wright teaches a system and associated methods for compensating for nonlinear characteristics of a power amplifier (paragraph [0010]). Thus, Wright cannot reasonably be relied on as a basis for rejection.

Accordingly, withdrawal of these rejections is respectfully requested.

**Conclusion**

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,



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